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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	Case No. 2:08-cr-00758
Plaintiff,	:	
vs.	:	SUPPLEMENTAL BRIEFING
KEPA MAUMAU,	:	
Defendant.	:	Judge Tena Campbell

This Court has asked for supplemental briefing on whether it has “authority to go below a minimum/mandatory sentence with particular attention being paid to the question of stacking.”

As set forth in the United States’ memorandum in opposition to the 3582 motion, the United States maintains that a district court’s concerns about the length of a mandatory minimum sentence do not qualify as an “extraordinary and compelling reason” that justifies granting compassionate release. Because of that position—which the United States still preserves and maintains here—the United States’ view is that this Court is bound by *all* of

the mandatory minimum sentences that were in effect at the time of Maumau's sentence.

However, as to the broader legal question raised by this Court, the United States' position is that, if a case is properly subject to sentence modification under the 3582 compassionate release statute (i.e., it involves a defendant who actually meets one of the specific criteria set forth in the applicable policy statement from the Sentencing Commission), then at that point, the mandatory minimum sentences that previously applied to that defendant would no longer apply, and the court would then be entitled to fashion a new sentence that is consistent with both the purposes of the identified compassionate release criterion and the 3553 factors as a whole.

RESPECTFULLY SUBMITTED May 6, 2020.

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